

Jeff D. Friedman (173886)
Shana E. Scarlett (217895)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
jefff@hbsslaw.com
shanas@hbsslaw.com

Steve W. Berman (*Pro Hac Vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

*Lead Counsel for Indirect
Purchaser Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

No. 3:10-md-2143 RS (JCS)

NOTICE OF FILING OF *IN CAMERA*
SUBMISSION

DATE ACTION FILED: Oct. 27, 2009

This Document Relates to:
ALL INDIRECT PURCHASER ACTIONS

Pursuant to this Court's Order Granting Final Approval of Indirect Purchaser Plaintiffs' Settlement with Defendants Samsung Electronics Co., Ltd., Toshiba Corporation and Toashiba Samsung Storage Technology Corporation, Granting Motion for Attorney Fees and Expenses, and Denying Objections (ECF No. 2889), indirect purchaser plaintiffs hereby submit as Attachment A the excerpt from Hagen Berman's *In Camera* Submission in Support of Appointment as Interim Lead Counsel for Indirect Purchasers, originally submitted May 13, 2010.

DATED: July 22, 2019

HAGENS BERMAN SOBOL SHAPIRO LLP

By s/ Shana E. Scarlett
SHANA E. SCARLETT

Jeff D. Friedman (173886)
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
jefff@hbsslw.com
shanas@hbsslw.com

Steve W. Berman (*Pro Hac Vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslw.com

Lead Counsel for Indirect Purchaser Class

ATTACHMENT A

1. Hagens Berman's Proposal for Attorneys' Fees and Costs

In considering competitive bids from counsel, “[j]udges don’t look for the lowest bid; they look for the best bid -- just as any private individual would do in selecting a law firm, an advertising firm, or a construction company.” *In re Synthroid Mktg. Litig.*, 264 F.3d 712, 720 (7th Cir. 2001). But the relationship between attorneys’ fees and recovery to the class is a complex one, where courts often strive to align the interests of counsel and the class. This Court has previously expressed its belief “that a ‘percentage of recovery fee’ calculation holds the best promise of harmonizing the interests of the class and its future counsel.” *Wenderhold v. Cylink Corp.*, 188 F.R.D. 577, 587 (N.D. Cal. 1999). Based on this Court’s rulings in other cases, Hagens Berman submits the following chart proposing percentage-based attorneys’ fees (including costs) based on recovery from each defendant at various stages of the case and over various recoveries for the class:

HAGENS BERMAN'S PROPOSED ATTORNEYS' FEES AND COSTS				
	From Pleading Through Decision on Motion to Dismiss	After Motion to Dismiss Through Adjudication of Class Certification	After Adjudication of Summary Judgment	Through Trial Verdict and Final Appellate Determination
First \$5,000,000	0%	0%	0%	0%
\$5,000,001-\$25,000,000	5%	14%	14%	14%
\$25,000,001-\$50,000,000	4%	13%	13.25%	14%
\$50,000,001-\$75,000,000	3%	12%	13%	14%
\$75,000,001-\$100,000,000	2.5%	11.5%	12.5%	13.5%
\$100,000,001-\$200,000,000	2%	10%	11%	12%
\$200,000,001-\$400,000,000	1.5%	7%	8%	9%
\$400,000,001 and above	1%	5%	6%	7%